

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ALFREDO TERAN, ELIBERTO PEREZ)
AMBROSIO, BALTAZAR CALDERON,)
JR., ISMAEL GUEL, PATRICIO)
MARTINEZ, RICARD TERAN TRINIDAD)
TERAN, and XAVIER TERAN, on)
behalf of themselves and all)
others similarly situated,)
)
 Plaintiffs,)

v.)

No. 22-cv-02338-JTF-tmp

LAWN ENFORCEMENT, JASON BRADEN,)
and JAMIE WALKER,)
)
 Defendants.)

ORDER SETTING EVIDENTIARY HEARING

Before the court are plaintiffs' Motion to Compel and Motion for Sanctions. (ECF Nos. 62 & 67.) The Motion to Compel was referred to the undersigned on March 27, 2024, and the Motion for Sanctions was referred to the undersigned on June 4, 2024. (ECF Nos. 66 & 72.)

The parties' briefs include competing accounts of the facts and legal obligations regarding whether the defendants were required to preserve the time cards. Specifically, the disputes deal with the time cards that were disposed of and the continued practice of disposing time cards after the defendants were served with a litigation hold letter, whether the creation of a separate

document created contemporaneously with the time card that contains the same information is in compliance with the defendants' duty to preserve evidence, and whether the defendants' reliance on the advice of their CPA justified the continued disposal of the time cards.

Therefore, the undersigned ORDERS that an evidentiary hearing take place on July 10, 2024, at 9:30 a.m. CST in Memphis, Tennessee. During the hearing, the undersigned will consider additional evidence and oral argument. The parties may submit evidence through witness testimony or any other documentation to support their respective positions.

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

June 18, 2024

Date